

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE CARLOTZ, INC. SECURITIES
LITIGATION

Lead Case No. 1:21-cv-05906-RA

ORAL ARGUMENT REQUESTED

**DEFENDANTS' NOTICE OF MOTION
TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon Defendants' Memorandum of Law in Support of their Motion to Dismiss the Second Amended Complaint and annexes attached thereto, the accompanying Declaration of Mary Eaton with exhibits, and all the pleadings filed in this action, all Defendants, by their undersigned counsel, hereby move this court, before the Honorable Ronnie Abrams, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, at a date and time to be determined by this Court, for an Order dismissing with prejudice the Second Amended Complaint (ECF 54) pursuant to Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6), and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4 *et seq.*, and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
June 21, 2022

Respectfully submitted,

/s/ Mary Eaton
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/s/ Stephen P. Blake*
*Signature used with permission pursuant to S.D.N.Y. ECF Rule 8.5
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cc: All Counsel of Record by ECF Filing